

REMARKS

This application has been carefully reviewed in light of the Office Action dated March 23, 2004 (Paper No. 3). Claims 1 to 33 are now pending in the application. Claims 1, 2, 4 to 7 and 9 to 16 have been amended and Claims 23 to 33 have been added. Claims 1, 7, 9 to 13 and 15 are the independent claims. Reconsideration and further examination are respectfully requested.

As an initial matter, Applicant filed a Submission of Priority Document dated May 1, 2002. Applicant respectfully requests that the Examiner acknowledge receipt of the Priority Document.

Claims 1 to 8, 11 to 14, 18, 19 and 22 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,427,008 (Balaz). Claims 9, 10, 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Balaz in view of U.S. Patent No. 5,631,904 (Fitser) or in view of U.S. Patent No. 5,953,400 (Rosenthal). Claims 15 to 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Balaz in view of U.S. Patent No. 4,508,526 (McFarland). Reconsideration and withdrawal of the rejections is respectfully requested.

The present invention generally concerns provision of communication services. In the field of communication services, a call initiated by one party (the calling party) to a second party (the called party) is typically charged to the calling party. The present invention concerns providing an additional service to the called party based upon the time or amount of communication of the call. The additional service may also be based on a commonality of communication service providers between the calling party and the

called party. These additional services are supplied to the called party within the traditional arrangement wherein the calling party is charged for originating the call.

Referring specifically to the claims, independent Claim 1 as amended is directed to a method of providing an additional service to the called party based upon the time of the call wherein the calling party is charged for the call. Similarly, independent Claim 7 as amended is directed to a method of providing an additional service to the called party based upon the amount of communication of the call wherein the calling party is charged for the call.

In contrast, Balaz discloses a conference call service provider that charges reduced rates to certain participants of a teleconference. In the Office Action, it is proposed that the teleconference was an additional service provided to a called party in accordance with communication time and amount of communication, citing the Abstract, Col. 6, Col. 7 lines 30-37, and Col. 8 lines 12-17 of Balaz. Applicant respectfully submits that this is a mischaracterization of the disclosure of Balaz. In Balaz, the teleconference is not an additional service provided to a called party. Instead, in Balaz, each participant in the teleconference is a calling party and each participant receives only the exact service requested by each participant, namely to participate in the teleconference. In addition, the discounted charges provided for in Balaz are given to each calling party based on the characteristics of the calling party, such as an identifier of origin. In addition the service provider is the called party who receives no additional services as a result of being called. See Balaz, Col. 5, lines 34-36. Therefore, Balaz does not provide for any additional

services to be provided to a called party by a communication service company wherein the calling party is charged for the call made to the called party.

Independent Claim 9 as amended is directed to an apparatus for providing an additional service to the called party comprising means for informing the called party that it has received a call and means for providing an additional service in accordance with the time of communication. Independent Claim 10 as amended is directed to an apparatus comprising a means for sending the call to the called party and means for providing an additional service to the called party in accordance with the amount of communication. The calling party is charged for the call in Claims 9 and 10.

Independent Claim 11 as amended is directed to a program comprising the steps of measuring the communication time of a call and providing an additional service to the called party in accordance with the measured time. Independent Claim 12 as amended is directed to a program comprising the steps of measuring the amount of communication of a call and providing an additional service to the called party in accordance with the measured amount. The calling party is charged for the call in Claims 11 and 12.

Independent Claim 13 as amended is directed to a system comprising an accumulator for accumulating at least one of the communication time and the amount of communication for a call in which an additional service is provided to the called party according to the value of the accumulator. The calling party is charged for the call.

Independent Claim 15 as amended is directed to a system comprising a switching office for determining whether same company provides communication service connecting a party and a switching office for both the calling party and the called party,

wherein an additional service is provided to the called party in accordance with the determination made by the switching office. The calling party is charged for the call.

Applicant respectfully submits that the remarks in support of amended Claim 1 are equally applicable to amended Claims 10 to 13 and 15 as each amended claim is now directed to providing an additional service to the called party with the call charged to the calling party.

The remaining art applied against the claims, namely McFarland, Fitser and Rosenthal, is not seen to supply what is missing in Balaz, namely an additional service provided to a called party wherein the calling party is charged for the call. Accordingly, based on the foregoing amendments and remarks, independent Claims 1, 7, 9 to 13 and 15 are believed to be allowable over the applied references.

The other claims in the application are each dependent from the independent claims and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicant's undersigned attorney may be reached in our Costa Mesa,
California office at (714) 540-8700. All correspondence should continue to be directed to
our below-listed address.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Frank Cire', written over a horizontal line.

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